

Application No. 10/001,363
Amendment dated January 25, 2006
Reply to Office Action of October 26, 2005

REMARKS/ARGUMENTS

Responsive to the Official Action mailed October 26, 2005, applicants have further revised the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, independent claims 1, 4, 5, 6, and 7 have been amended.

Reconsideration is respectfully requested.

In the Action, the Examiner has rejected the pending claims under 35 U.S.C. §102, with reliance upon U.S. Patent No. 5,969,026, to Mor et al., and U.S. Patent No. 4,490,323, to Thomson, and under 35 U.S.C. §103 with reliance upon U.S. Patent No. 3,668,172, to Jones et al. It is respectfully submitted that applicants' novel wetting agent is clearly patentably distinct from these references, and accordingly, the Examiner's rejections are respectfully traversed.

As discussed in the Specification, the present invention contemplates an improved wetting agent for blending with an associated polymeric material such as for the manufacture of apertured films or polymeric fibrous webs. Notably, the wetting agent is provided in *pellet form*, with the agent consisting essentially of between 10% and 13%, by weight, of a wetting compound. For some applications, it can be desirable to blend titanium dioxide with the wetting agent, up to 44%, by weight, with the present invention contemplating that the balance of the wetting agent is provided by a polymeric carrier resin with which the wetting compound, and any titanium dioxide are blended.

As noted, the present wetting agent desirably enhances *processability* of polymers with which it is blended, with the agent desirably exhibiting improved pellet surface characteristics, rheological properties, and enhanced performance in extrusion machinery. In the preferred

practice of the present invention, the polymeric carrier resin is provided in the form of low-density polyethylene.

It is respectfully maintained that the principal Mor et al. reference clearly fails to teach or suggest the present invention as claimed. As noted by the Examiner, Mor et al. contemplates formation of "wetable fibers or filaments", a wetting agent composition varying from 0.1 to 20 weight percent. While this reference generally discusses "master batching", this reference simply fails to teach or suggest the formation of a wetting agent, in pellet form, wherein a wetting compound is provided in the amount of between 10% and 13% by weight. Moreover, this reference clearly fails to teach or suggest use of a polymeric carrier resin in the form of *low density polyethylene*, such as specifically claimed in claims 4 and 5. Applicants note the Examiner's reference to "LDPE" (low density polyethylene) at column 5, line 23 of Mor et al., but it is important to note that this teaching in Mor et al. *does not* relate to the carrier resin polymer, but rather the types of polymers from which the contemplated wettable fibers or filaments can be formed. While Mor et al. refers to the use of polypropylene homopolymer in a "concentrate", this is believed to emphasize the absence of any teachings in Mor et al. of employing low density polyethylene as a polymeric carrier resin, as claimed. It is further noted that Mor et al. fails to teach or suggest applicants' preferred concentration of titanium dioxide, from 38.5% to 40%, as specified in claims 3 and 4, and as more specifically recited in claim 5.

Thus, it is respectfully maintained that Mor et al. clearly fails to anticipate the present invention, as claimed.

It is respectfully submitted that the Thomson reference is similarly deficient in teaching or suggesting the present invention. In a sense, Thomson specifically *teaches away* from the

present invention by its contemplation that higher concentrations of a liquid additive in a master batch concentrate are desirable, contrary to the teachings of the present invention, wherein *limiting* the level of the wetting compound in the wetting agent has been found to desirably enhance processing performance. For example, in Example II, Thomson contemplates master batch concentrates having concentrations of about *15 weight percent* glycerol mono-olenate, and further states:

Thus, it is possible by practice of the invention to form master batch concentrates having high levels of additives without a significant deterioration of the flow properties (column 6, lines 18-22).

Moreover, it is respectfully maintained that Thomson fails to teach or suggest applicants' specifically recited combination of wetting compound and titanium dioxide, together with a polymeric resin carrier, as claimed.

In the Action, the Examiner has further relied upon the Jones et al. patent. However, it is respectfully submitted that this reference is similarly deficient in teaching or suggesting the present invention as claimed. Significantly, this reference is limited in its teachings to *relatively broad ranges* of additives, including "20 to 80 weight percent of inorganic pigment", and "3 to 35 weight percent of surfactant", as stated by the Examiner in the Action. As such, it is respectfully maintained that this reference also *teaches away* from applicants' invention, wherein applicants have set forth specific and relatively narrow ranges of wetting compound and titanium dioxide which have been found to be particularly effective, with a low density polyethylene polymeric carrier resin, in facilitating efficient processing during formation of polymeric films or fibrous material.

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Applicants respectfully refer to M.P.E.P. Section 2144.05, specifically recognizes that under such circumstances, patentability may be properly based upon identification of a narrow, specifically preferred range, within broadly disclosed ranges ("however, if the references' disclosed range is so broad as to encompass a very large number of possible distinct compositions, this might present a situation analogous to the obviousness of a species when the prior art broadly discloses a genus"). (Citations omitted).


In the present case, it is respectfully maintained that such broad range recitations in Jones et al. points to a lack of recognition in this reference of the desirable results that can be achieved by the specific, relatively narrow ranges set forth in applicants' presently pending claims.

Thus, given the deficiencies in the teachings of this reference, it is respectfully maintained that the rejection under 35 U.S.C. §103 should be withdrawn.

In view of the foregoing, formal allowance of claims 1-7 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **January 25, 2006**.